IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2632 OF 1992

Uttam Jagannath Tivatane ..Petitioner

versus

Vasant Ramchandra Bambalkar
& Ors. ..Respondents

Mr. R. Tarale for the Petitioner.
None for the Respondents.

CORAM : D. G. DESHPANDE, J.

DATE : 18TH SEPTEMBER, 2006

ORAL ORDER :

1. Heard Advocate for the Petitioner. Nobody is present for the Respondents. Time was specifically granted to Mr. Tarale to argue the matter. He has therefore argued the matter, today.

2. The petitioner is the tenant of the Respondent No.1 that is his contention. Out of the entire land of the Respondent No.1 i.e. in question Gat No. 116 area 3 H 52 R, the petitioner purchased half of the land for Rs.7,000/- by Sale Deed dated 27.10.1969. Thereafter, he started contending that he was tenant of the remaining half and wanted to

purchase the land as tenant. The landlord-Respondent No.1 filed a Civil Suit. In that suit, issue of tenancy was raised and the same was referred to the Tenancy Court. The first order in this regard came to be given by the Additional Tahsildar, Pandharpur, vide Order dated 30.11.1983. That order was in favour of the tenant - petitioner and the finding on issue was in his favour. The landlord- respondent No.1 preferred Appeal to the Assistant Collector, Pandharpur Division, Pandharpur, by filing an Appeal. The Appeal was dismissed by the Assistant Collector by four lines order dated 21.2.1986, without considering any of the facts. Then the landlord again preferred Revision before the Maharashtra Revenue Tribunal, Pune. MRT, Pune, allowed the Revision and remanded the matter to the SDO because of the summary rejection of the Appeal. The SDO then decided the matter. That was treated as appeal of the landlord. That was allowed and the Order of the Additional Tahsildar was set aside. Petitioner then went to MRT, Pune. MRT, Pune, rejected his Revision and therefore this Petition.

3. Regarding claim of the Petitioner to be the

tenant of the half of the land of Gat No. 116, the MRT ultimately found that firstly the petitioner has failed to the oral contract of tenancy between him and the Respondent No.1. Secondly, in the Sale Deed of 1969 about half portion there was no mention whatsoever about tenant being in possession of the land as tenant. Thirdly, according to the tenant he was tenant of the entire land since two years before 1969 i.e. from 1967, but then no notice of intention to purchase was given by the tenant within one year of the commencement of tenancy. Then all the revenue receipts were in possession of the landlord, and, therefore, for these four reasons, MRT rejected the claim and contention of the Petitioner. Admittedly, this writ petition is under Article 227 of the Constitution and unless there is perversity in the Order of the MRT, this court would not interfere.

4. I do not find any perversity in the Order of the MRT. All the four points upon which the Revision of the tenant came to be dismissed are supported by the record. Therefore, no interference is called for. Petition is dismissed. Rule is discharged. Interim order of stay, if any, stands

vacated.

(D.G. DESHPANDE, J.)